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VIA ECF

Honorable Leonard D. Wexler
United States Courthouse – E.D.N.Y.
944 Federal Plaza
Central Islip, New York 11722

Re: *Cohen v. Ditech Financial LLC and Rosicki, Rosicki & Associates, P.C.*
Case No. 15-cv-6828(LDW)(SIL) – RR File No. 006040-00014

Dear Judge Wexler:

This firm represents defendant, Rosicki, Rosicki & Associates, P.C. (“Rosicki”), in the above-referenced action. We submit this letter in connection with Ditech Financial LLC’s (“Ditech”) letter dated February 10, 2017 requesting a pre-motion conference to file a motion for summary judgment.

Rosicki and Ditech made pre-answer motions to dismiss the complaint on the merits and those motions were fully submitted on May 23, 2016. Rosicki and Ditech also submitted a joint letter application to the Court on January 25, 2017 seeking to extend the time to commence summary judgment motion practice to April 11, 2017 since the motions to dismiss are pending.

We understand that Ditech, in an overabundance of caution, is requesting a pre-motion conference to file a summary judgment motion since the motions to dismiss have not been decided and the summary judgment motion deadline has not yet been extended. However, Rosicki respectfully submits that summary judgment motion practice would be premature at this time given the current posture of the case. Rosicki, therefore, reiterates and renews its previous request that the motions to dismiss be decided before proceeding with summary judgment motions. Indeed, judicial economy and efficiency would best be served if the motions to dismiss are decided before commencement of summary judgment motion practice. If the Court grants Rosicki’s motion to dismiss, plaintiff’s FDCPA claims will be wholly disposed of and it will, therefore, be unnecessary to move for summary judgment.

Respectfully yours,

RIVKIN RADLER LLP

A handwritten signature in black ink, appearing to read "C. Lastorino", written over a horizontal line.

Carol A. Lastorino

CAL/bd
cc: All Counsel (*via ECF*)
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